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Fifty-sixth session

SUMMARY RECORD OF THE 4th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 22 March 2000, at 10.00 a.m.

Chairman: Mr. SIMKHADA (Nepal)

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The meeting was called to order at 10.20 a.m.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued) (E/CN.4/2000/8)

1. The CHAIRMAN invited Members to consider the draft timetable that was before the Commission.

2. Ms. GLOVER (United Kingdom) said that the meeting time for Working Group 15 had been omitted from the draft.

3. The CHAIRMAN took note of the omission.

4. The timetable, as corrected, was approved.

REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS AND FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS (agenda item 4) (continued) (E/CN.4/2000/5 and 12 and Add.1; E/CN.4/2000/NGO/3)

5. The CHAIRMAN said that the Bureau had recommended that item 4 be left open throughout the session in order to allow the High Commissioner for Human Rights to make statements and to present reports as appropriate, and to permit delegations to comment thereon. Statements relating to the report of the High Commissioner for Human Rights (E/CN.4/2000/12 and Add.1) should, however, be made prior to the consideration of item 5.

6. It was so agreed.

7. Mr. REYES RODRIGUEZ (Cuba) said that strengthening international cooperation to prevent human rights violations throughout the world should include the development of institutions, policies and programmes aimed not only at the protection but also at the promotion of all human rights. Any effective international system to prevent human rights violations presupposed respect for the equality and integrity of all the participating States; the observance of recognized and transparent rules; and the existence of international institutions of proven competence, objectivity and impartiality.

8. Regrettably, those elements were lacking in current international human rights practice, as the Commission's performance showed, and his delegation wished to register its profound concern at a number of the proposals and recommendations made in the High Commissioner's report (E/CN.4/2000/12).

9. There was no direct link, whether under the Charter of the United Nations, the Vienna Declaration and Programme of Action, or General Assembly resolution 48/141, between the mandates of human rights bodies and the Security Council. No agreement had yet been reached in the General Assembly on proposals regarding preventive diplomacy and early-warning mechanisms because most developing countries were well aware that, given the existing international order, any such agreement would only facilitate further intervention and coercion against their peoples.

10. The Sub-Commission had recently declared that the concept of "humanitarian intervention" was incompatible with general international law and, more particularly, with the Charter. He wondered whether an early-warning mechanism such as the one proposed might some day alert the Security Council to the gross violations of the rights of minorities, indigenous peoples and migrant workers in North America and Europe. If so, its consideration would be automatically vetoed by those members of the Security Council which possessed that undemocratic privilege.

11. Mr. BOICHENKO (Russian Federation) reaffirmed his delegation's support for the mandate of the High Commissioner for Human Rights, particularly with regard to the promotion and protection of the full gamut of human rights, involving dialogue with Governments and greater international cooperation on human rights. The emphasis laid in the High Commissioner's report (E/CN.4/2000/12) on preventive action in various fields was welcome, particularly with regard to racism and racial discrimination in all its forms. Racism, ethnic conflict and xenophobia could, indeed, prove a catalyst for internal conflict; given that no State was immune, the Commission should devote more attention to that issue.

12. The report did, however, contain a number of controversial claims and unrealistic proposals. At a time when the Commission was seeking to rationalize its work and reduce the number of special procedures, his delegation was surprised at the proposal to establish yet another body of human rights and humanitarian observers for urgent deployment in situations where population groups might be at risk (para. 9). Moreover, the proposal (para. 10) to establish a Rapid Reaction Force for deployment in situations of urgent need to avert conflict or protect groups in danger clearly went beyond the mandate of both the High Commissioner and the Commission.

13. Lessons must be drawn from the worsening of the Kosovo crisis and the hasty attempts in 1999 to resolve so complex a problem by force, which had revealed the possible consequences of "armed humanitarianism". Human rights should be used not to justify action in breach of the Charter but as a means of uniting peoples, Governments and civiiizations a round a common cause.

14. In its resolution 1999/54, the Commission requested the High Commissioner to submit to the Commission a separate report containing a comprehensive assessment of field presences. In view of the increase in such presences since 1992, the report (E/CN.4/2000/12/Add.1) might have been expected to contain more transparent self-criticism and a more comprehensive and less ambiguous appraisal of field presences.

15. Mr. IBRAHIM (Sudan) said that his delegation deeply regretted and categorically rejected the conclusion in the High Commissioner's report (E/CN.4/2000/12, para. 59) that Sudan was an example of a country where traditional slavery persisted. Such a perplexing conclusion must be based on unsubstantiated allegations by persons seeking to tarnish the image of Sudan and to profit unlawfully from donor support. The reference in the report was a mere repetition of allegations made against Sudan by a non-governmental organization (NGO) whose consultative status with the Economic and Social Council had been withdrawn in 1999. It was also contrary to the Commission's own decision at its fifty-fifth session, in resolution 1999/15, to view the cases in Sudan as involving abduction rather than slavery.

16. It was to be regretted that the High Commissioner had not followed the lead of the Office of the European Union in Khartoum in recognizing the positive efforts of the Sudanese Government and its international partners to address the problem of abductions in rebel-controlled areas. The offending paragraph could seriously undermine the willingness of the Sudanese Government to cooperate fully with the Office of the High Commissioner on Human Rights.

17. Mr. HYNES (Canada) commended the High Commissioner on her report (E/CN.4/2000/12 and Add.1). Her focused and thoughtful evaluation of human rights throughout the world was precisely what had been envisaged when the post of High Commissioner was created; it was, contrary to some suggestions, fully in keeping with her mandate. The time had long since passed for United Nations institutions to remain isolated from world events and, indeed, some of the issues she had raised were under discussion in the General Assembly, the Security Council and elsewhere. Many were of direct relevance to the Commission's agenda, including those relating to specific country situations.

18. Mr. PADILLA MENENDEZ (Guatemala) said he endorsed the High Commissioner's view that a preventive approach to human rights violations should be adopted. It was noreworthy, however that, in his 1993 report, the former Special Rapporteur on extrajudicial, summary or arbitrary executions had drawn attention to the genocide then imminent in Rwanda, which showed that an early-warning system was not enough in itself; preventive mechanisms would work only if the international community had the political will to prevent human rights violations. It was important for the Office of the High Commissioner to have an emergency response capacity with a bearing on both thematic procedures and country situations and he welcomed the proposal to set up a task force that would analyse early-warning data and bring serious incidents to the immediate attention of the relevant human rights mechanisms.

19. His delegation also endorsed the High Commissioner's proposals to strengthen human rights protection, ensuring that Governments fully understood the nature of rights from which no derogation might be made, and the need for the rapid ratification of the Rome Statute of the International Criminal Court, as well as education campaigns on human rights and international humanitarian law, directed above all at the police and armed forces.

20. The High Commissioner's reference to the right to development and the crucial link with economic, social and cultural rights was also welcome. Of particular importance was the emphasis on the need for greater cooperation and coordination between the United Nations system including the Bretton Woods institutions, and donor Governments, beneficiaries and NGOs, and for greater participation by the World Bank and the International Monetary Fund in the implementation of the Commission's various mandates. In that context, it was essential that the recommendations of the Special Rapporteur on foreign debt and the independent expert on structural adjustment policies, contained in their joint report (E/CN.4/2000/51) should be implemented, particularly the proposal that Zambia's debt should be cancelled immediately, owing to the humanitarian crisis caused by the HIV/AIDS epidemic. His delegation thought that the same should apply to other African countries that had suffered from disasters, such as Mozambique.

21. The same report also contained proposals to cancel the debts of Nicaragua and Honduras, where there had been heavy loss of life and the infrastructure and economy had been destroyed by Hurricane Mitch in 1998. The Commission should, moreover, endorse the authors' proposal to establish a direct link between debt relief and programmes such as the successful Brazilian experience of "Bolsa Escola". By adopting such specific measures, the Commission could promote sustainable development in parallel with human rights.

22. Ms. KUNADI (India), having expressed the view that promotional activities to develop national capacities in the field of human rights constituted one of the most efficient means of promoting and protecting human rights, democracy and the rule of law, underlined the importance of the advisory services and technical cooperation provided by the Office of the High Commissioner. It was therefore gratifying that such promotional activities had been given due importance in the High Commissioner's Consolidated Inter-Agency Appeal (CAP) 2000. Her delegation shared the High Commissioner's hope that fewer voluntary contributions would be earmarked in future.

23. There was no viable substitute for sovereign national States. To marginalize or ignore them would pave the way to international anarchy, which would hardly be conducive to the promotion and protection of human rights. Careful thought should be given to the proposal to create additional international instruments such as humanitarian observers and a Rapid Reaction Force. The latter was not only controversial but currently under examination in other forums. The multiplication of international instruments was not a panacea .

24. Paragraphs 14, 16 and 18 of the report referred to violent ethnicism and its threat to the sovereignty and integrity of nation States. It would have been relevant in that context to have highlighted the importance of active discouragement by the international community of secessionism on ethnic or religious grounds, since that would have given a clear signal to disruptive forces that their grievances should be solved within a democratic framework. It was disappointing that the report failed to discuss the grave threat posed by terrorism, particularly State-sponsored terrorism, to human rights and democracy.

25. The section on the right to development should not prejudge any conclusions that the Commission might arrive at. Democratic and effective institutions were, of course, most important, and poverty could not justify the denial of fundamental human rights, but it would be wrong to impose human rights conditionalities on development cooperation. There was, however, a risk that the symptoms of poverty might be taken to represent violations of human rights, with the result that donor countries might take action that would be tantamount to sanctions on poverty.

26. Concepts such as early-warning systems should be approached with prudence in order to avoid the politicization and exploitation of the human rights machinery by vested interests, including countries with dubious political aims and territorial ambitions. She also noted that, under the Charter the Security Council had no authority in the area of human rights. The assumption of such a role by the Council would undermine confidence in the United Nations human rights machinery.

27. Lastly, her delegation fully endorsed the High Commissioner's views on the importance of human rights education. Her Government had already initiated action on the introduction of such education at various levels of the education system. A number of universities proposed to introduce human rights courses into their curricula.

28. Mr. STROHAL (Observer for Austria) said that the Commission was the human rights engine of the United Nations and had contributed greatly to standard-setting and the development of monitoring mechanisms. Implementation would, however, be the major challenge in the years to come.

29. Situations of serious human rights violations did not occur overnight. Early warning and early action, rather than reaction, were therefore essential. The High Commissioner was right to put the emphasis on prevention, of which recommendations by the Commission and the treaty bodies should be a cornerstone. In that connection, his delegation welcomed the elaboration of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

30. His delegation welcomed the linking of human rights, development and democracy. It also endorsed the importance of human rights education as a tool for prevention. His Government had established a service centre to provide support for human rights educators throughout the country, particularly for law-enforcement officers, judges and lawyers.

STATEMENT BY THE MINISTER OF STATE IN CHARGE OF EXTERNAL RELATIONS OF CAMEROON

31. Mr. KONTCHOU KOUOMEGNI (Cameroon) expressed his appreciation of the High Commissioner's work, particularly in Central Africa. The turning point which the new millennium represented provided an opportunity for stocktaking, for redefining approaches to human rights issues and for reaffirming the indivisibility and interdependence of human rights. The international community must accord equal priority to the promotion of the rights to an adequate standard of living, to a healthy environment and to the development of institutional and political infrastructures.

32. Such major challenges required concerted action on the part of Member States, so that humanity might enter the new century with a new global vision and consensus for the active promotion and protection of human rights. In that connection, the seminar held in Yaoundé in December 1999 at the initiative of the High Commissioner had facilitated the elaboration of a common African position on the realization of the right to development. His delegation thus hoped that human dignity and well-being would become a central preoccupation of the international community, in lieu of power relations, profit and other seeds of conflict. To that end, the spirit of the Vienna Declaration must be revived.

33. Cameroon had adopted national programmes for good governance and poverty eradication, as well as a plan of action to combat corruption. Such mechanisms were designed, inter alia, to strengthen democracy, prosperity and the rule of law and to enhance public participation in decision-making. The promotion of human rights had formed a cornerstone of government policy since 1982. Priority had also been accorded to the wide dissemination and

popularization of international human rights instruments, which had resulted in a proliferation of human rights organizations in civil society. A culture of democracy was, after all, essential to democracy, and tolerance of diversity and difference was a prerequisite for social harmony and peace. It was intolerance which lay at the root of the atrocities which continued to ravage so many countries, including some in Africa.

34. More than ever before, Cameroon aspired to maintain the fragile peace, national unity and democracy it currently enjoyed, which was why it had chosen the "royal path" of respect for human rights. The country had succeeded in strengthening political and social stability and had achieved a remarkable economic revival in a subregion of Central Africa prone to tension and economic, social and political malaise.

35. His Government regarded the right to peace as essential for progress. Thus, while awaiting the peaceful and definitive legal settlement of its territorial and border conflict with Nigeria, Cameroon took pains to abide by international law, particularly the four Geneva conventions. The international community should step up its assistance to the maintenance of peace between the two countries before, during and after the verdict pronounced by the International Court of Justice.

36. The commitment of the Head of State of Cameroon to peace explained the major role he had played in organizing high-level subregional conferences which had led to the creation of the Central African Peace and Security Council (COPAC) and the signature of a non-aggression and a mutual assistance pact. Also at the subregional level, a summit on tropical forest conservation and sustainable management had been organized in Yaoundé in March 1999. Cameroon was also host to tens of thousands of refugees from neighbouring war zones.

37. Despite the far-reaching transformations and the progress achieved by Cameroon in many areas, certain circles continued to misrepresent the situation in the country and to focus only on those shortcomings outside the Government's control. Human rights should not be subverted to political and economic ends, or covertly used as blackmail. Cameroon, for its part, continued to abide by its international commitments, to strengthen legal and institutional mechanisms for the incorporation of international human rights instruments and to cooperate with United Nations human rights mechanisms. The apportionment of blame would only undermine the goodwill demonstrated thus far by his Government.

38. The priority for the Commission was to unite all peoples, social groups and individuals in a common goal, namely, to ensure that the third millennium would be known as the millennium for the effective realization of human rights and human dignity. Member States should work together to establish truly democratic regimes throughout the world, based on the rule of law and respect for human rights, and to eradicate the poverty which hampered the progress of two-thirds of the world's population. To that end, his Governnment wished to reaffirm its confidence in the Commission and the United Nations as a whole and to stress the importance of partnership, solidarity and sacrifice.

STATEMENT BY THE MINISTER OF STATE IN CHARGE OF HUMAN RIGHTS OF TURKEY

39. Mr. IRTEMÇELIK (Turkey) said that, as globalization took hold, human values were gaining importance and State sovereignty was being redefined. The State was increasingly seen as existing for the security and well-being of its citizens, while individuals were becoming more aware of their right to control their own destiny. Even in the area of foreign policy, national security seemed to be giving way to human security as a guide to the behaviour of nations.

40. The progress of nations and their role in the new world order was currently measured in terms of such values as democracy, the rule of law and human rights, concepts that had developed remarkably during the last 20 years and that were at the core of modern ideas of public administration. For those countries with shortcomings in those areas, there was only one way to address the problem: directly and open-mindedly, using universal standards as a guide, but without losing sight of their own characteristics.

41. Turkey was a democratic and secular State governed by law. It had been founded on the basis of respect for individual rights and freedoms for all under its jurisdiction. Despite its long democratic tradition, its shortcomings in the area of human rights were, regrettably, not negligible. However, the reasons for that lay in more recent developments.

42. In 1980, the Turkish armed forces had intervened in political life following a wave of ideological terror that had cost more than 5,000 lives. As a result, human rights and freedoms had inevitably been curtailed and a Constitution enacted based on the philosophy of the protection of the State. Then, in 1983, the restoration of multi-party democracy had coincided with an outbreak of ethnic terrorism with separatist objectives that had so far claimed more than 30,000 lives, one third of them being innocent civilians.

43. Successive Governments' attempts to enhance democracy and freedom had been hampered by terrorism and the defensive reflexes of society had inevitably become more prominent. However, the capture of the terrorist leader in February 1999 had been a turning point, although members of the terrorist organization had stopped short of renouncing violence, giving up arms and placing themselves in the hands of the law.

44. In the circumstances, Turkey was a rare example of a State that had managed not only to protect democracy, human rights and freedoms against terrorism, but also to enrich those values through a gradual process of reform. Its problem was not how to solve an ethnic question but how to raise democratic standards. The central task of his Ministry was to help attain the goal of more democracy and more rights and freedoms for all in the shortest possible time.

45. Much had been achieved in recent years: constitutional reform, the reduction of detention periods in accordance with international standards, the narrowing of the geographical scope of the state of emergency in the south-east of the country and moves to improve prison conditions further.

46. In addition, the new Government had introduced a number of legal reforms: only civilian judges currently sat on the State Security courts; a repentance law had granted amnesty and

reduced sentences for members of terrorist groups; amendments to the Penal Code had redefined and increased the penalties for torture, ill-treatment and abuse of power by public officials - the definition of torture had been brought into line with the United Nations and European conventions; legislation had been passed to postpone sentences and trials relating to crimes committed through the media - to date 22 writers and reporters had been released from prison; new legislation made it easier to prosecute public officials for torture and ill-treatment; stricter guidelines on detention and interrogation had been introduced; human rights education had been intensified, particularly in the context of the United Nations Decade for Human Rights Education; and it had been made easier for civil servants to engage in trade union activity.

47. Work was continuing on reforms to the Civil Code, the Penal Code, the Code of Penal Procedure, the Code on the Execution of Sentences and the Ombudsman Bill. Lastly, Turkey would soon be signing the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

48. With the process of enhancing human rights irrevocably under way in Turkey, the public was becoming increasingly aware of those rights. He believed that the institutions of civil society had a key role to play in the reform process, and indeed, they were represented on the Human Rights Coordinating High Committee, which was the initiator of reform in Turkey. Turkey had recently been accorded candidate status by the European Union, and that had given it additional impetus to proceed with its reforms.

49. In conclusion, he said that, although the Commission and its various mechanisms provided useful insights for Governments, thereby acting as a pace-setter, it needed to reorganize its working methods and subsidiary mechanisms in order to improve its efficiency and credibility.

STATEMENT BY THE MINISTER OF JUSTICE OF ISRAEL

50. Mr. BEILIN (Israel) said that the forthcoming meeting in Geneva between the Presidents of Syria and the United States could be the last opportunity for a long time to make peace between Israel, Lebanon and Syria. Talks between Israel and the Palestinians had already resumed with the aim of reaching a permanent solution. After 52 years of belligerence, there was a fair chance that peace agreements could be concluded in 2000, given that both sides viewed the situation more pragmatically than before. Arabs understood that Israel was there to stay; the Israeli Government understood that peace came at a price, sometimes a very high price.

51. The combination of peace and democracy was the best basis for the implementation of human rights. A rare opportunity had presented itself and must not be missed. Any failure to solve the main problems of the Middle East would be unforgivable.

52. One of the most important results of such a peace would be that Israel could become what its founding fathers had intended: a model of democracy, human rights and Jewish morality, a country that not only dealt with its own problems but also helped others. Over the last generation, Israel's role had been very different. Discussion of human rights had usually put Israel on the defensive. It had rejected all criticism, and the principal task of the Ministry of Foreign Affairs had been to deny the world's accusations.

53. What had happened to the people of Israel would never, he prayed, happen to any other people. For in 1948, just two years after 6 million Jews had been exterminated, Israel had had to fight for the small State it had been offered, because others were not yet ready to accept it, and had thereby sacrificed another whole generation of young people. That was the main reason for the feeling in Israel that the world was full of hypocrisy and cynicism and would never be satisfied whatever Israel did.

54. After 1967, Israel had found itself occupying territory belonging to others, notably Palestinians. It had tried to convince itself that the occupation was benevolent but history showed that, no matter what occupiers tried to do, they would always in the end be hated, simply because they were there. Israel had perceived itself as a victim in a world where some countries were still prepared to destroy it, most of the world had perceived Israel as an occupying power that violated human rights. Israel had seen itself as a transparent democracy fighting for its life; the world had compared it to the most racist of countries and had even, for a 15-year period, regarded zionism as racism. Israel had wasted many years trying to convince the world of the gap between the reality in the country and the image that was portrayed of it.

55. As a democratic Jewish State, Israel's true role was to warn the world against any return to the dark days of the twentieth century, any hankering after nazism or fascism. Israel saw itself as part of the international effort to change the norm, to convince people that it was not nations, tribes, groups or peoples that counted, but human beings, and that anyone who promoted the rights of human beings by targeting groups was a criminal.

56. Israel had worked hard to develop the rights of women, children and the disabled, inter alia - rights that had become self-evident. He hoped that it would be possible for Israel and the Arab countries to say they had not missed the opportunity to make peace in the Middle East and that they had thus become free to deal with other important issues. Peace was not an end in itself, but only a tool with which to normalize life in order to begin dealing with the real issues. It was a shared responsibility.

STATEMENT BY THE MINISTER FOR HUMAN RIGHTS OF MOROCCO

57. Mr. AUAJJAR (Morocco) said that Morocco had the political will to strengthen its people's human rights, to lay the necessary foundations to do so and to establish the basic legal and institutional guarantees that would protect Moroccans from abuses and violence. The proof thereof was to be found in the developments that had taken place in Moroccan society in recent years.

58. The late King, Hassan II, had laid the foundations of a democracy based on education and progress, and his successor, King Mohammed VI, had already begun to carry forward the work of building democracy, respect for human rights and fundamental freedoms, and social justice. In a message to the people in December 1999, the King had reaffirmed that approach and described a vision of a society based on modernity and development.

59. Morocco's Human Rights Consultative Committee was a national institution composed of representatives of all political parties, trade unions, human rights associations, lawyers, doctors, academics and members of the Government. One of the King's first acts had been to

establish, under the aegis of that Consultative Committee, an independent commission for the indemnification of the victims of forced disappearances and their families. It was hoped that acknowledging the State's responsibility and applying the principle of just and equitable compensation in accordance with international standards would help Moroccans to come to terms with their history. The commission had embarked on its task with rigour, independence and transparency.

60. Additionally, the Government had availed itself of the royal power of pardon in a review of the cases of former political prisoners. On the basis of lists drawn up by a commission of the victims themselves, 700 of those who had been suspended from public or semi-public office had been compensated and reinstated with full seniority and promotion rights.

61. In order to reflect Morocco's international obligations more effectively in domestic law and to guarantee basic freedoms, bills would shortly be submitted to Parliament on reform of the press, the constitution of associations and public demonstrations. Moreover, new legislation and regulations had been enacted, in line with international standards, on prison conditions, NGO visits to prisons and prisoner education and training.

62. In recognition of the need for the whole population to be involved in such a vast undertaking, a national human rights education programme was to be included in school curricula as from the new school year. A project for journalists, promoting human rights through the broadcast and printed media, was also under way. Lastly, as part of the plan to promote human rights among government and non-government actors, a Human Rights Documentation, Training and Information Centre, established in cooperation with Office of the High Commissioner for Human Rights (OHCHR) and the United Nations Development Programme (UNDP), was to open in April 2000.

63. With regard to Western Sahara, his Government reiterated that no referendum could be organized without the participation of all the peoples originating from the region, without discrimination or exclusion. It was convinced of the justice of its case for territorial integrity and would cooperate constructively and in good faith with the United Nations.

64. His Government was deeply concerned at the human rights violations in the Tindouf camps: according to witnesses, Moroccans had been forcibly detained and were subjected to torture, forced labour and the denial of their most basic human rights, including the right to freedom of movement. The Government of Morocco therefore called upon the international community to investigate the inhuman, humiliating and degrading conditions in those camps.

65. Immigration was another major concern of his Government, in a context of the social repercussions of globalization and the world economic upheavals that seemed to go hand in hand with a wave of racism and xenophobia. The recent events in southern Spain, which had primarily affected Moroccan immigrants, should serve as a warning that efforts were needed to prevent the marginalization of immigrants and the violation of their rights.

66. For countries of the South, participation in the changes currently taking place around the world represented an enormous challenge. Morocco's debt burden swallowed one third of its gross domestic product (GDP), yet structural adjustment and fierce global competition obliged it

to pursue sustainable development, without which it would be impossible to guarantee the enjoyment of economic and social rights in a society 65 per cent of whose members were under 30 years of age.

67. His Government paid tribute to the work of human rights defenders and hoped it would be possible to guarantee them the protection they needed in order to carry out that work. It was to be hoped that the new century would usher in a new phase in which the battle for sustainable development, justice, social equity and peace would be won.

STATEMENT BY THE UNDER-SECRETARY FOR FOREIGN AFFAIRS OF MEXICO

68. Ms. MORENO (Mexico) said that the democratic process in her country was irreversible. The profound political changes that had occurred there had strengthened respect for human rights. Legal and institutional frameworks had been put in place at the federal and local levels so as to guarantee full respect for and enjoyment of human rights. Numerous international instruments had been ratified, reservations withdrawn and the jurisdiction of the Inter-American Court of Human Rights recognized. Full autonomy had been granted to the National Human Rights Commission and measures had been taken to strengthen the judiciary's independence, impartiality and professional status. Mexico had complied with the recommendation made in the Vienna Programme of Action by adopting the National Programme to Promote and Strengthen Human Rights, which sought to establish a culture of respect for human rights, consolidate mechanisms for their protection and continue measures to eliminate impunity.

69. One of the major challenges in her country was to guarantee the human rights of the indigenous population. Indigenous people formed part of Mexican society and were not confined to reservations. In that connection, extensive reforms had been made to the legal framework, with a view to protecting human rights and acknowledging the wide variety of languages, cultures, uses and customs. Her Government was in favour of the establishment of a permanent forum for indigenous people in the United Nations system and hoped that the Commission would see to it. It also supported the draft United Nations declaration on the rights of indigenous peoples. The Government's priority in the Chiapas had been to achieve a dignified and fair peace through dialogue and negotiation. The State of Chiapas had been allocated the highest amount for social development of all the federated states.

70. In November 1999, Mexico had been pleased to receive a visit from the High Commissioner for Human Rights. That visit, and the many others paid by such United Nations visitors as special rapporteurs and chairpersons of working groups, demonstrated her country's commitment to cooperation with United Nations human rights mechanisms.

71. Mexico had, indeed, helped to strengthen such mechanisms: at its last session, the Commission had adopted her delegation's proposal to appoint a special rapporteur on the human rights of migrants. At the current session, the delegation intended to submit a draft resolution designed to promote ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

72. As the main United Nations body for the promotion and protection of human rights, the Commission must improve the efficiency of its mechanisms and increase the cooperation of Governments. She urged the Commission to formulate recommendations to improve its own effectiveness and that of all the other human rights bodies.

STATEMENT BY THE UNDER-SECRETARY OF STATE FOR FOREIGN AFFAIRS OF ITALY

73. Mr. PALUMBO (Italy) said that the protection of human rights must be based on and developed through a dialogue between individual countries and the international community. Such dialogue must also become a means of verifying the progress made in promoting and safeguarding human rights in each country. The international community must support countries which had demonstrated a commitment to human rights at the national level: countries often needed help in appreciating the need to move towards models agreed upon by the international community.

74. Refusal to engage in dialogue and rejection of the jurisdiction of the Commission must not be allowed to pass unheeded. In the past, when warnings of human rights violations had been ignored, the international community had been forced to become an impotent witness of massacres and genocide such as those that had taken place in Bosnia, Kosovo and many other places. In such cases, the international community must intervene to ensure that human rights were safeguarded. His Government was closely involved in the debate on mechanism review, which it hoped would end the powerlessness of the international community in the face of repeated and systematic violations of human rights.

75. The issue of the death penalty was particularly relevant to any discussion of fundamental human rights. His country had been a pioneer in the fight against that penalty and he was gratified to note that the number of countries where it was no longer imposed was rising. It must be borne in mind that all initiatives relating to the death penalty were linked directly to the first and most basic of all human rights, namely, the right to life.

76. He had noted with satisfaction the positive outcome of the negotiations on the two draft optional protocols to the Convention on the Rights of the Child, namely, the draft optional protocol on involvement of children in armed conflicts and the draft optional protocol on the prevention of the sale of children, child prostitution and child pornography. He hoped that work on the draft optional protocol to the Convention against Torture would be rapidly concluded.

77. Italy had demonstrated its respect for the rights of minority groups and populations by the reception it had given to refugees from the former Yugoslavia, Kurdistan, Kosovo and Albania. Immigrants were well integrated into Italian society, but it was important that continued respect be shown for the cultures and traditions of all immigrants and refugees, in order to allow them to rebuild their social relations in civilized conditions. The European regional conference in preparation for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance would provide the opportunity to consider those distressing problems, and for European societies to reflect upon and update their forms of civil protection.

78. By placing the human being at the centre of the development process, the Copenhagen Summit had recognized human rights as a fundamental component of social development. When dealing with the right to development and development aid, the idea of establishing a vast worldwide solidarity plan should not be neglected. Such a plan would make it possible to overcome narrow national interests. A climate of mutual trust and cooperation between States must therefore be encouraged.

79. His delegation had on numerous occasions proposed that a United Nations international human rights tribunal be established. Such a tribunal would help to bridge the gap between international and regional human rights instruments. His Government believed that the establishment of a procedure by which individuals could file complaints was necessary in order to complete the system of human rights protection. Governments must, of course, be able to choose freely whether or not to submit to the jurisdiction of the tribunal. In view of the amount of support expressed for the proposal, he was convinced that the idea should be more thoroughly examined.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF LUXEMBOURG

80. Ms. POLFER (Luxembourg), having endorsed the statement made by the representative of Portugal on behalf of the European Union, said that the protection of human rights was not the exclusive preserve of States, as the growing number of NGOs participating in the Commission demonstrated. Those who worked for human rights were often at risk and the Commission must therefore continue to work for the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. The responsibility for ensuring respect for human rights lay, individually and collectively, with States.

81. She expressed concern about the sufferings endured by the peoples of Chechnya and the serious violations of their rights. She welcomed the fact that the Russian authorities had agreed to invite the High Commissioner to visit the region and trusted that the High Commissioner would be able to submit a report to the Commission at its current session. Whatever the complexities of the situation, it was inadmissible for the military to attack civilian populations on the pretext of re-establishing order or combating terrorism. She therefore appealed to the Russian authorities to permit the entry of international observers and the media; to enable the international humanitarian organizations to attend to the immediate needs of the population, refugees and displaced persons and restore decent living conditions in the area; and to identify those responsible for serious violations of human rights and international humanitarian law, with a view to putting them on trial.

82. It would be a mistake to tolerate the emergence of areas where the rule of law did not prevail. There was no future in such a policy. The experience of the International Tribunals for Rwanda and the former Yugoslavia showed that a society needed to see justice done if it was to recover and rebuild itself. She hoped that, in Kosovo also, attitudes would change and would lead to the re-establishment of peace, with the backing of the international community.

83. Dialogue conducted in a spirit of humility was an essential component of the culture of peace for which the new century should strive. Her Government continued to attach great

importance to the critical dialogue which had been going on since 1997 between the European Union and China and hoped that a similar dialogue with Iran would shortly begin. Such dialogue was not an end in itself; it also comprised technical assistance and must be constantly reassessed. Some differences of opinion - for example, on freedom of opinion - remained.

84. The Commission had witnessed the reversal of some seemingly hopeless situations, such as the victory over apartheid. She was sure that eventually the death penalty would be abolished. Her country actively supported the European Union initiative in that regard.

85. She was hopeful that the preparation of the draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts and the draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography would be successfully concluded during the current session.

86. Human rights required constant vigilance. The sudden, massive influx of refugees into Luxembourg from the Balkans in 1999 had sparked off a national debate on the country's capacity to receive them and its international commitments on asylum. That had led to the implementation of legislative reform to improve asylum procedures and shown the need for an advisory body to deal with human rights. An independent advisory commission was therefore to be established to ensure that human rights were respected by State organs. In addition, the duties of the Minister of Cooperation for Development had been extended to humanitarian activities.

87. The priority was still to combat extreme poverty: the partnership for development currently received 0.7 per cent of the country's GDP, but her Government's aim was to reach 1 per cent by the end of its term of office.

The meeting rose at 12.55 p.m.